

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KORRELL SANTANA COLE,

Plaintiff,

v.

FNU WHITE, WARDEN, WASCO
STATE PRISON, ET. AL.

Defendants.

Case No. 1:22-cv-00684-HBK (PC)

ORDER GRANTING MOTION TO
PROCEED *IN FORMA PAUPERIS*

(Doc. No. 2)

ORDER DIRECTING PAYMENT
OF INMATE FILING FEE BY THE
CALIFORNIA DEPARTMENT OF
CORRECTIONS

Plaintiff Korrell Santana Cole, a prisoner, initiated this action on June 6, 2022, by filing a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. No. 1, Complaint). Plaintiff seeks leave to proceed *in forma pauperis* and submitted a copy of his prison trust fund statement and a Certification from prison officials in support. (Doc. Nos. 2, 5). Plaintiff has made the showing required by § 1915(a) to proceed *in forma pauperis* but remains obligated to pay the statutory filing fees as set forth in 28 U.S.C. § 1915. **Plaintiff is obligated to make an initial payment of \$42.00¹ (20% of current balance in inmate account). *Id.*, § 1915(b)(1)(A).**

¹ According to the Inmate Statement Report, Plaintiff's current balance in his inmate trust account is \$217.16. (Doc. No. 5 at 1). It appears a six-month inmate account balance is not available because Plaintiff was recently transferred from the Orange County Jail following his conviction and sentence to Wasco State Prison.

1 Thereafter, Plaintiff is required to make monthly payments of 20% of the preceding month's
2 income credited to her trust account. The California Department of Corrections is required to
3 send the initial \$42.00 payment to the Clerk of the Court and subsequent payments from
4 Plaintiff's account each time the amount in her account exceeds \$10.00, until the statutory filing
5 fee is paid in full. 28 U.S.C. § 1915(b)(2).

6 ACCORDINGLY, it is **ORDERED**:


7 1. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is GRANTED.

8 2. **The Secretary of the California Department of Corrections, or his designee shall**
9 **forward an initial payment of \$42.00 to the Clerk of the Court from Plaintiff's prison trust**
10 **account in accordance with 28 U.S.C. § 1915(b)(1)(A) and shall make future monthly**
11 **payments in an amount equal to twenty percent (20%) of the preceding month's income**
12 **credited to the Plaintiff's trust account each time the amount in the account exceeds \$10.00,**
13 **in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and**
14 **forwarded to the Clerk of the Court.** The payments shall be clearly identified by the name and
15 number assigned to this action.

16 3. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's
17 *in forma pauperis* application on the Secretary of the California Department of Corrections, via
18 the court's electronic case filing system (CM/ECF).

19 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
20 Department, U.S. District Court, Eastern District of California.

21 Dated: June 10, 2022

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23 HELENA M. BARCH-KUCHTA
24 UNITED STATES MAGISTRATE JUDGE
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